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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/685,274	10/09/2000	Eric Sean Parham	066303.0169	4448

7590 07/02/2004

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EXAMINER	
LEVITAN, DMITRY	

ART UNIT	PAPER NUMBER
2662	10

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/685,274	Applicant(s) PARHAM ET AL.	
	Examiner Dmitry Levitan	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *amendment, filed 05/17/04*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *17 May 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *6 and 7*
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Amendment, filed 05/17/04, has been entered. Claims 1-20 remain pending.

Drawings

In light of Applicant's amendment, the objections to the drawings have been withdrawn.

The drawings were received on 05/17/04. These drawings are approved.

Specification

In light of Applicant's amendment, the objections to the specification have been withdrawn.

Claim Rejections - 35 USC § 112

1. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claims 1 and 14, it is unclear what is meant by "broadband loop emulation service signaling protocol", because it is neither defined in the specification nor a well known in the art.

In claim 3, it is unclear what is meant by "provide the signaling information in a media gateway and call session control format to a class 5 softswitch", because class 5 softswitch is neither defined in the specification nor a well known in the art; signaling information in a media gateway and call session control format to a class 5 softswitch is neither defined in the specification nor a well known in the art.

In claim 9, it is unclear what is meant by "class 5 softswitch operable to receive signaling information in a network signaling format", because class 5 softswitch is neither defined in the specification nor a well known in the art; network signaling format to a class 5 softswitch is neither defined in the specification nor a well known in the art.

Claim Rejections - 35 USC § 103

2. Claims 1- 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk (US 6,603,760).

3. Regarding claims 1, 2, 5, 6, 14-16, Smyk teaches:

a system and a method for interfacing between signaling protocols (Fig. 4 and 3:49-62), comprising:

A gateway (gateway 411 and SM 416 on Fig. 4 and 6:10-47) operable to receive signaling information in a media gateway and call session control format (MGCP or H.248 standard 9:20-30 and 8:21-23), the gateway operable to convert the media gateway and call session format to a broadband loop emulation service signaling protocol (9:26-30), the gateway operable to provide some detection capabilities pursuant to the signaling information (7:45-57), including access gateway 408 on Fig. 4 operable to provide tone generation (8:28-35) and additional detecting capabilities pursuant to the signaling information (8:36-47).

Smyk does not teach tone generation and full detecting capabilities at the gateway, as specified in claims 1 and 14.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to move tone generation and full detecting capabilities from an access gateway to the gateway in the system of Smyk to reduce the system cost, because one network gateway supports numerous access gateways, and it is cheaper to concentrate generation and detecting features in a network gateway.

In addition regarding claim 2, Smyk teaches the gateway converting the broadband loop emulation service signaling protocol into media gateway and call session control format (5:10-45).

Regarding claim 3, Smyk teaches the gateway providing the signaling information in a media gateway and call session control format to a class 5 switch (4:5-17).

Regarding claims 9-11, Smyk teaches a class 5 switch (EO 418 and STP 426 on Fig. 4 5:1-4 and 8:56-58), receiving signaling information in SS7 format (8:56-67), converting it to media gateway and call session control format and vice versa (inherently part of the system because SM operates in media gateway and call session control format and operates with class 5 switch) and controlling incoming call requests from a network through the gateway according to the signaling information (8:60-67).

4. Regarding claims 12, 13, 19 and 20, Smyk teaches the broadband loop emulation service signaling protocol implementing a common channel signaling format and standard (ABCD signaling 8:1-8 and GR-303 6:10-20).

Regarding claim 18, Smyk teaches providing the broadband loop emulation service signaling protocol (3:23-35) to an integrated access device at the customer premises (local loop gateway 309 on Fig. 3b).

5. Claims 4, 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk.

Smyk substantially teaches the limitations of claims 1 and 14.

Smyk does not teach using SGCP, SIP, and H.323 as media gateway and call session control formats, as specified in claims 4, 7, 8 and 17.

Official notice is taken that using SGCP, SIP, and H.323 as media gateway and call session control formats is well known and expected in the art. It would have been obvious to one of ordinary skill in the art at the time the invention was made to add using SGCP, SIP, H.323 as media gateway and call session control formats to the system of Smyk to improve the system compatibility with widely used standards.

Response to Arguments

6. Applicant's arguments filed 05/17/04 have been fully considered but they are not persuasive.

On page 13 of the Response, Applicant argues that terms, identified as unclear in the rejection under 35 U.S.C. 112, second paragraph in the Office action, are disclosed in the specification. Examiner respectfully disagrees.

The portions of the specification identified by Applicant as relevant to the rejection under 35 U.S.C. 112, second paragraph, contain only repetitions of the rejected terms without any in-depth

explanations. Examiner respectfully requests Applicant to provide objective evidence that supports the rejected terms.

On page 13 of the Response, Applicant argues that Smyk does not teach a gateway that converts the media gateway and call session format to a broadband loop emulation service signaling protocol while also providing tone generation and detection.

Examiner respectfully disagrees.

Smyk teaches gateway 411 and SM 416 (Fig. 4 and 6:10-47) to emulate the signaling in the packet network NGN (gateway media format) as local loop signaling for Class 5 switch.

Smyk teaches tone generation and detection accomplished in a separate access gateway 408.

Examiner believes, it would have been obvious to one of ordinary skill in the art at the time the invention was made to move tone generation and full detecting capabilities from an access gateway to the gateway in the system of Smyk to reduce the system cost.

On page 14 of the Response, Applicant argues that claim 9 should be allowed, because it requires a Class 5 softswitch as Smyk teaches only Class 5 switch.

Examiner respectfully disagrees.

As Applicant admitted in the background of the invention, Class 5 Softswitch is a concept of implementation of Class 5 switch on a workstation server. Therefore, the limitation "Softswitch" has not been given any patentable value, because it merely recites an implementation of Class 5 switch without introducing any claimed features new to the Class 5 switch operation.

On page 15 of the Response, Applicant requested evidence to support the Official Notice.

Claims 4, 7, 8 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smyk.

Applicant's arguments filed 05/17/04 have been fully considered but they are not persuasive.

The Official Notice presented in the last Office action is maintained.

Denman (US 6,490,451) teaches a media gateway using H.248 and CIP+ protocols (9:12-26).

MacMillan (US 6,278,707) teaches a media gateway using SIP and H.323 protocols (7:37-46).

Examiner therefore believes that the cited references meet all the claims limitations and the rejection is proper.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Denman US006490451B1 System and method for providing packet-switched telephony.

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Levitan whose telephone number is 703-305-4384. The examiner can normally be reached on 8:30 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 703-305-4744. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DL

Dmitry Levitan
Patent Examiner
06/25/04.

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